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7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-166

13 RONDA ANN CARTER  
26541 Silver Spur Road  
14 Rancho Palos Verde, CA 90275  
Registered Nurse License No. 576209

**ACCUSATION**

Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs.

22 2. On or about January 22, 2001, the Board of Registered Nursing (Board)  
23 issued Registered Nurse License Number 576209 to Ronda Ann Carter (Respondent). The  
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
25 herein. Respondent's license expired on October 31, 2008, and has not been renewed.

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3. This Accusation is brought before the Board under the authority of the

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4. Section 490 of the Code provides, in pertinent part, that a board may

5. Section 2750 of the Business and Professions Code (Code) provides, in

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“The board may take disciplinary action against a certified or licensed nurse on

“(a) Unprofessional conduct, which includes, but is not limited to, the

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“(f) Conviction of a felony or of any offense substantially related to the

2:

“In addition to other acts constituting unprofessional conduct within the meaning

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“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.”

8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1444, states, in pertinent part:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. . . .”

## CONTROLLED SUBSTANCES

10. Hydrocodone is a semi-synthetic opioid narcotic pain reliever. When mixed with acetaminophen, it is marketed under a number of trade names, including Vicodin and Norco. Hydrocodone is a Schedule II controlled substance as designated by Health and Safety Code section 11055, and is categorized as a “dangerous drug” pursuant to Business and Professions Code section 4022.

11. Morphine is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(b)(1)(M) and a dangerous drug pursuant to Business and Professions Code section 4022.

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12. Hydromorphone, an opium derivative, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(K), and is categorized as a dangerous drug pursuant to section 4022. Dilaudid is a trade name for the narcotic substance hydromorphone.

## COST RECOVERY

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

**(Conviction of a Substantially-Related Crime)**

14. Respondent is subject to disciplinary action under section 490, and section 2761, subdivision (f), as a result of Respondent's conviction of a crime that is substantially related to the qualifications, functions, and duties of a Registered Nurse. On July 10, 2007, after pleading nolo contendere, Respondent was convicted of one count of violating Penal Code section 484, subdivision (a) [misdemeanor theft] in the criminal proceeding entitled *The People of the State of California v. Ronda Ann Carter* (Super. Ct. Los Angeles County, 2007, No. 7WY05350). Respondent was sentenced to one day in jail, placed on probation for three years, and ordered to pay fines and restitution. The underlying factual circumstances occurred on May 11, 2007, when Respondent was observed shoplifting merchandise valued at approximately \$400.00 from JC Penney's Department Store in Torrance, California.

## **SECOND CAUSE FOR DISCIPLINE**

**(Dangerous Use of Controlled Substances)**

15. Respondent is subject to disciplinary action under section 2761, subdivision (a), and section 2762, subdivision (c), as a result of Respondent's use of controlled substances in a manner that was dangerous to herself and others. Although she did not have a prescription for these drugs, and although Respondent was then enrolled in a diversion program in which she had pledged to abstain from using any controlled substances that were not validly

1 prescribed, Respondent used controlled substances in a manner that was dangerous to herself and  
2 others, as evidenced by a positive drug test for morphine, hydromorphone, and hydrocodone on  
3 March 12, 2007.

4 **ADDITIONAL DISCIPLINARY CONSIDERATIONS**

5 16. As an additional disciplinary consideration, the Board alleges that on  
6 May 30, 1995, after pleading no contest, Respondent was convicted of one misdemeanor count of  
7 violating Penal Code section 647, subdivision (f) [public intoxication / disorderly conduct] in the  
8 criminal proceeding entitled *The People of the State of California v. Ronda Ann Carter*  
9 (Municipal Ct. San Luis Obispo County, 1995, No. M228536). Respondent was given a  
10 suspended sentence of one year in jail, and placed on probation for one year. After admitting a  
11 probation violation on April 22, 1996, the Court sentenced Respondent to two days in jail and  
12 extended Respondent's probation for two extra months. The underlying factual circumstances  
13 occurred on or about April 19, 1995, when officers of the San Luis Obispo Sheriff's Department  
14 found Respondent curled up in a chair asleep in the residential garage of persons she did not  
15 know. When questioned by the police the next day, Respondent stated that she had been out  
16 drinking and could not remember what she had been doing the night before.

17 17. As another additional disciplinary consideration, the Board alleges that on  
18 February 8, 1995, after pleading no contest, Respondent was convicted of one misdemeanor  
19 count of violating Vehicle Code section 23152, subdivision (a) [driving under the influence] in  
20 the criminal proceeding entitled *The People of the State of California v. Ronda Ann Fleming*  
21 (Municipal Ct. San Luis Obispo County, 1995, No. M224601). The Court sentenced Respondent  
22 to two days in jail and ordered her to attend an alcohol offender's educational program. The  
23 underlying factual circumstances occurred on January 8, 1995, when San Luis Obispo police  
24 officers observed Respondent's car weaving and hitting the shoulder of the road. The officers  
25 determined Respondent to be a danger to herself and others and her blood alcohol content  
26 measured .29 and .28 some twenty minutes after her arrest.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License Number 576209, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 1/26/09

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

LA2008600408

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